

## **REMARKS**

In the office action dated April 21, 2004, the Examiner rejected claims 1-4 under 35 U.S.C. §103(a) as being unpatentable over Ganoe in view of Lynch or Lynch in view of Ganoe, further in view of Applicant's admission of the prior art and further in view of Sherrill, Frudakis, Andersen and Axelrod. Applicant respectfully traverses this rejection.

Claim 1 provides a replica of an animal's ear for a pet treat. The ear replica has plural layers of pig skin that have been folded and formed into the shape of an animal's ear.

Ganoe teaches a dog bone made of folded and rolled rawhide. The rawhide is cow skin. Lynch teaches that cow or pork skin can be used to make dog treats; pork is preferred. Sherrill teaches a pet treat made of a rolled animal skin. Frudakis teaches rolling rawhide that has been coated or basted with a nutraceutical substance. Andersen teaches a rolled rawhide product with jerky. Axelrod teaches an injection molded pet chew made from bits of melted rawhide.

None of the references cited teach an artificial ear. Rodriguez, newly cited in the accompanying Information Disclosure Statement, teaches a cow ear shaped rawhide dog chew. Rodriguez does not teach that the dog chew is an artificial ear. Ganoe and Sherrill teach a bone shaped chew. Andersen teaches a rolled or tubular chew, which can have wrapping. The other patents do not teach a particular shape.

Furthermore, none of the references teach folding skin to make an ear shaped treat, as with Applicant's invention. While Ganoe and Sherrill teach

folding as an initial step, the folded skin is rolled into a bone shape and does not form a replica of an animal's ear.

Nor do the references teach using one part of the skin of an animal to make another part of the animal's skin. Applicant's invention uses pig skin (such as from the back or belly) and uses that skin to construct a replica of a pig's ear.

Nor do the references teach or suggest Applicant's invention. The Examiner's attention is invited to the Declaration of Frank J. Hague. Mr. Hague has a dozen years experience in the animal products industry where he learned about skins, among other types of products, and had worked with a number of slaughterhouses, processing plants and abattoirs. In addition, Mr. Hague has created a number of pet chew and treat products. He has at least ordinary skill in the art of animal skins and fabricating products therefrom. It is much easier to make a pressed product from rawhide than whole pig skin. Mr. Hague reviewed the references of Ganoë, Lynch, Sherrill, Frudakis, Andersen, Axelrod and Rodriguez and found no help in making the artificial ear. Thus, the invention is not obvious to one of ordinary skill in the art.

Furthermore, Mr. Hague was apparently the first to understand that real pig ears had problems. In spite of the difficulty in working with a pressed pig skin product, Mr. Hague successfully developed an alternative to real pig ears. Pet products must satisfy two consumers. A human makes the purchase; a human is more likely to buy a pet product that is attractive and has quality. The pet (typically dogs) are the other consumer. Palatability is

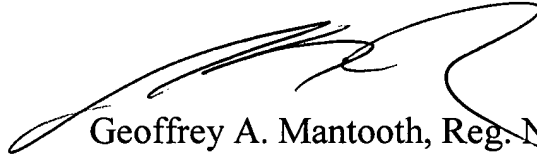
an indication of how well the pet enjoys the product. Mr. Hague's artificial ears are both attractive to humans and highly palatable to pets.

New claims 10-17 are dependent, either directly or indirectly, on claim 1. Claims 10 and 14 provide that the ear replica has at least three edges (four edges in claim 14), with one of the edges being a fold. (See Figs. 13-19 and the accompanying text.) Claim 11 provides that the ear replica is generally flat. Rolled skin products are not generally flat. Claim 12 provides that the skin is taken from non-ear areas. Page 3 of the Specification discusses how the skin is taken from the body of a pig excluding the head and limbs. Claim 15 provides that the ear replica has a tip located opposite of a bottom edge, with the bottom edge having an exposed seam (Figs. 13-19). Claim 16 provides that the bottom edge is curved (Figs. 1-3). Claim 17 provides that the ear replica has peaks and valleys that extend toward the bottom edge 43 (see Figs. 1-2). Peaks and valleys form small ridges that closely emulate a real pig's ear, as do the curved bottom edge and the open seam along the bottom edge. The prior art does not teach the subject matter of claims 10-17.

In view of the foregoing, it is submitted that all of the claims in the application are allowable and such allowance is respectfully requested.

If any additional fees are required, please charge our deposit account number 23-2770.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Geoffrey A. Mantooth', with a long, sweeping horizontal stroke extending to the left.

Geoffrey A. Mantooth, Reg. No. 32,042  
Decker, Jones, McMackin, McClane, Hall & Bates  
801 Cherry Street, Suite 2000, Unit #46  
Fort Worth, Texas 76102  
(817) 336-2400 Phone  
(817) 336-2181 Fax

Attorney for Applicant

6653.36001/234157